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**Hearing Date: September 14, 2022**  
**Opposition Date: June 14, 2022**  
**Reply Date: July 14, 2022**

*Attorneys for the Eurizon Defendants*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff,

Plaintiff,

v.

INTESA SANPAOLO SPA (AS SUCCESSOR  
IN INTEREST TO BANCA INTESA SPA),  
EURIZON CAPITAL SGR SPA (AS

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 12-01680 (CGM)

**ORAL ARGUMENT REQUESTED**

SUCCESSOR IN INTEREST TO EURIZON  
INVESTIMENTI SGR SPA, F/K/A NEXTRA  
INVESTMENT MANAGEMENT SGR SPA,  
AND EURIZON ALTERNATIVE  
INVESTMENTS SGR SPA, FKA NEXTRA  
ALTERNATIVE INVESTMENTS SGR SPA),  
EURIZON LOW VOLATILITY F/K/A  
NEXTRA LOW VOLATILITY, EURIZON  
LOW VOLATILITY II F/K/A NEXTRA LOW  
VOLATILITY II, EURIZON LOW  
VOLATILITY PB F/K/A NEXTRA LOW  
VOLATILITY PB, EURIZON MEDIUM  
VOLATILITY F/K/A NEXTRA MEDIUM  
VOLATILITY, EURIZON MEDIUM  
VOLATILITY II F/K/A NEXTRA MEDIUM  
VOLATILITY II, EURIZON TOTAL RETURN  
F/K/A NEXTRA TOTAL RETURN,

Defendants.

**NOTICE OF HEARING ON THE EURIZON DEFENDANTS’  
MOTION TO DISMISS**

PLEASE TAKE NOTICE that on April 15, 2022, the Eurizon Defendants<sup>1</sup> filed a Motion to Dismiss (the “Motion”) seeking an order dismissing with prejudice the Complaint filed by plaintiff Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (ECF No. 1), as amended by the Stipulation and Order entered on March 29, 2022 (ECF No. 93), pursuant to Rule 12(b)(6) of the Federal Rules of Civil

<sup>1</sup> The Complaint (Ditchfield Decl. Ex. 1), ECF No. 1, was filed on May 31, 2012. It was amended by stipulation and order entered on March 29, 2022 (Ditchfield Decl. Ex. 2), ECF No. 93, to: (i) dismiss Count Two (the Trustee’s claims to recover subsequent transfers that the Defendants allegedly received from the Kingate Funds, totaling approximately \$93,661,909); and (ii) dismiss various defendants from the proceeding. Accordingly, the only remaining defendants are Eurizon Capital SGR SpA (“Eurizon Capital”), Eurizon Low Volatility (“Low Volatility”), and Eurizon Medium Volatility (“Medium Volatility”) (the “Eurizon Funds”) (together with Eurizon Capital, the “Eurizon Defendants”). The Complaint characterizes the Eurizon Funds—the entities that are alleged to have received the subsequent transfers at issue in this action—as “fondo commune investimento,” Compl. ¶¶ 25, 28, which is not a legal entity under Italian law. The assets of these funds were managed and promoted by the asset manager, Eurizon Capital. Moreover, on August 1, 2013, the assets of Medium Volatility were merged into Low Volatility, which is the only fund that exists today and is managed by and acts through Eurizon Capital. Unless otherwise specified, all “ECF No. \_\_\_” citations refer to Adv. Pro. No. 12-01680.

Procedure, made applicable here by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that the Motion will be heard on September 14, 2022 at 10:00 a.m. prevailing Eastern Time (the “Hearing”), with such Hearing to be held before the Honorable Cecelia G. Morris, United States Bankruptcy Judge, either in person at a location to be designated by the Court or via Zoom. If the hearing is held via Zoom, persons wishing to participate in the hearing must register their appearance utilizing the eCourt Appearances portal available on the Court’s website, and appearances must be entered no later than 4:00 p.m. prevailing Eastern Time on the day before the hearing.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered on March 29, 2022 (ECF No. 93), all papers responsive to the Eurizon Defendants’ Motion to Dismiss shall be served and filed no later than June 14, 2022, and all reply papers in further support of the Eurizon Defendants’ Motion to Dismiss shall be served and filed no later than July 14, 2022.

Dated: April 15, 2022  
New York, New York

DAVIS POLK & WARDWELL LLP

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